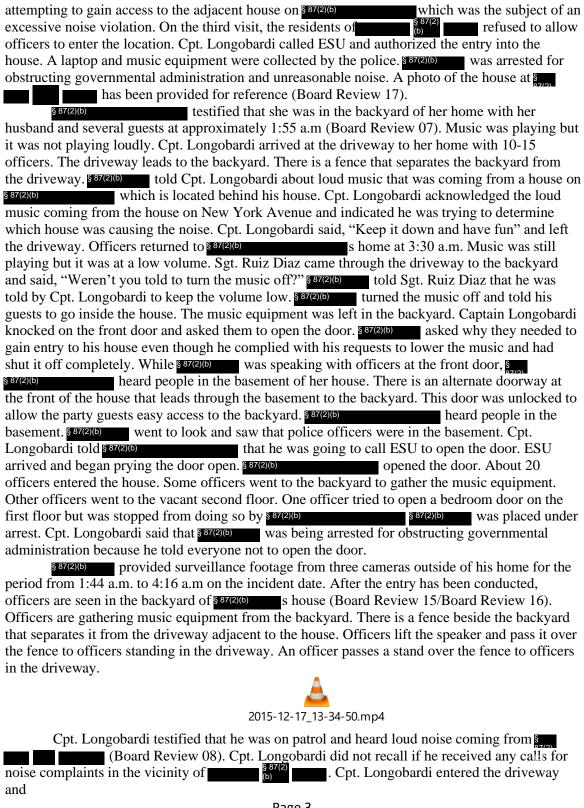
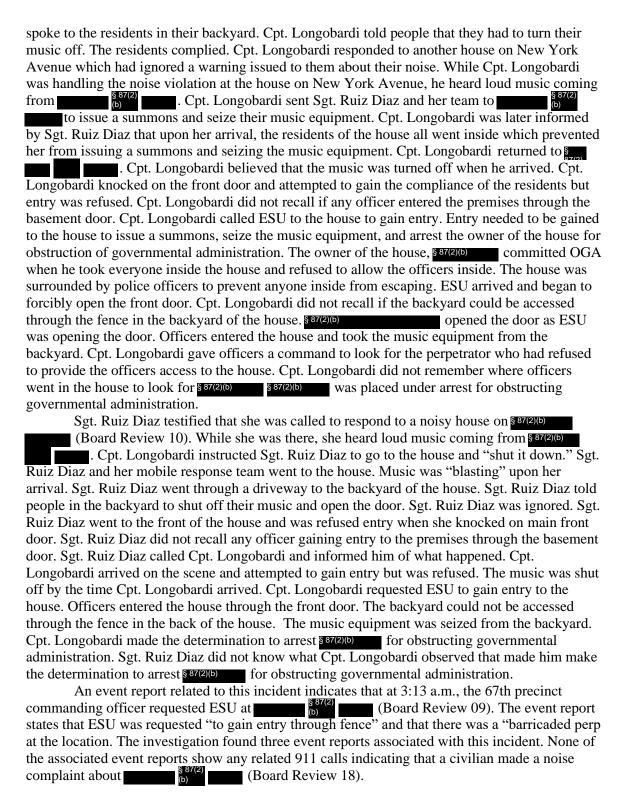
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force		Discourt.	U.S.
Rolando Vasquez		Squad #8	201507662	<u>.</u>	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Pı	recinct:	18	Mo. SOL	EO SOL
Sunday, 09/06/2015 3:52 AM		\$ 87(2)(b)		1	67		/6/2017	3/6/2017
Date/Time CV Reported		CV Reported At:	How CV Reported:	 .			eived at CCl	
		_	1					
Thu, 09/10/2015 10:21 AM		CCRB	Phone		1 nu, 09/10	// 2013	5 10:21 AM	I
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. CPT Anthony Longobardi	00000	923451	067 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Wasim Abbas	15836	957311	067 PCT					
2. POM Larry Roberts	06404	924402	MED DIV					
3. SGT Solangel Ruizdiaz	04001	919660	067 PCT					
Officer(s)	Allegatio	on			Inve	stiga	tor Recon	nmendation
A.CPT Anthony Longobardi	Abuse: C § 87(2)(b)	buse: Cpt. Anthony Longobardi entered						
B.CPT Anthony Longobardi	Abuse: C § 87(2)(b)	pt. Anthony Longobard	i unlawfully arrested	d				

Case Summary					
§ 87(2)(b) filed this complaint on September 6, 2015 via phone					
with the CCRB.					
On September 6, 2015 at 3:52 a.m., § 87(2)(b) was at her private home, § 37(2)(b)					
in Brooklyn. §87(2)(b) was having a party with her					
husband, \$87(2)(b) and several guests. Cpt. Anthony Longobardi and a group of					
police officers arrived to correct an excessive noise condition. Cpt. Longobardi entered (Allegation A). CPT Longobardi arrested (887(2)(b)) for obstructing governmental					
administration for refusing to allow officers inside the house (Allegation B).					
§87(2)(b) provided two and a half hours of surveillance footage from three different					
cameras around his house. The facts of the case that are captured by this video are not in dispute.					
A short section of this footage has been attached to this closing report (Board Review 15, original					
quality video in Board Review 16). The full content of the video provided to the CCRB has been					
summarized in a detailed investigative action (Board Review 01).					
Mediation, Civil and Criminal Histories					
• Mediation was offered to \$87(2)(b) and \$87(2)(b) This case was					
unsuitable for mediation because §87(2)(b) indicated during his interview that he was					
planning to file a lawsuit.					
• The NYC Office of the Comptroller responded to a request indicating that					
and \$87(2)(b) have not filed a notice of claim in regards to this					
incident (Board Review 02).					
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]					
Civilian and Officer CCRB Histories					
• This is the first complaint filed by \$87(2)(b) at the CCRB (Board Review 04).					
• This is the fourth complaint filed by §87(2)(b) at the CCRB that fell within the agency's					
jurisdiction (Board Review 05).					
• Cpt. Longobardi has been a member of the service for 16 years and has no substantiated					
allegations. Cpt. Longobardi has 17 previous FADO allegations involving nine cases.					
§ 87(2)(9) . Cpt.					
Longobardi has three open allegations in CCRB case 201506389 (Board Review 06).					
Findings and Recommendations					
Allegation A – Abuse of Authority: Cpt. Anthony Longobardi entered					
Brooklyn.					
Allegation B – Abuse of Authority: Cpt. Anthony Longobardi unlawfully arrested 887(2)(b)					
It is an disperse of the conference of the confe					
It is undisputed that officers came to multiple times on the incident date. On the first visit, Cpt. Longobardi spoke with residents of the location about music at their					
house and an adjacent house on §87(2)(b) On the second, officers arrived and were					





Patrol Guide 214-23 lists the steps officers must follow when attempting to correct a noise complaint (Board Review 11). Officers must interview complainants/violators, determine if the noise is unreasonable, and attempt to correct the condition by warning the violator. A summons will be issued if the condition cannot be corrected and the music equipment will be seized. Patrol Guide 214-23 goes on to state that "the decision to forcibly enter into private or semi-private premises to correct noise complaints will ONLY be made by a precinct commander/duty captain and ONLY as a last resort, after requests to stop the noise have been ignored. Some of the factors going into the decision to forcibly enter such premises are a) Time of day b) Type of neighborhood (commercial/residential) c) Number of complaints d) The ambient noise level of the area generally."

In <u>Payton v. New York</u>, 445 US 573 (1980), the Fourteenth Amendment was interpreted as prohibiting the warrantless and nonconsensual entry into a suspect's home to conduct an arrest, absent exigent circumstances (Board Review 12).

In <u>People v. Tillman</u>,184 Misc. 2d 20 (2000), it was determined that running from an officer does not constitute the crime of obstructing governmental administration (Board Review 13).

In <u>People v. Holmes</u>, NY Misc. LEXIS 3216 (2014), it was determined that a civilian's refusal to allow officers into private premises does not constitute obstruction of governmental administration. A civilian has no legal obligation to allow the police to enter private property unless there is a warrant or an exception to the warrant requirement, such as exigent circumstances (Board Review 14).

§ 87(2)(g)	
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§ 87(2)(g)			
Squad: 8			
Investigator:Signature	Print	Date	
Pod Leader: Title/Signature	Print	Date	
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Attorney:Title/Signature	Print	 Date	_
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